

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Civ. No. 2:20-cv-00011-BO


PATRICIA COSETTA WHIDBEE,)	
)	
Plaintiff,)	
)	
v.)	
)	
KILOLO KIJAKAZI,)	ORDER
Acting Commissioner of Social)	
Security)	
)	
Defendant.)	
)	
)	

Plaintiff's counsel filed an amended motion for approval of attorney's fees under section 206(b) of the Social Security Act (the "Act"), 42 U.S.C. § 406(b), in the amount of \$9,038.13 (Doc. 40). Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). The parties' stipulation for an award of attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$4,686.00, is currently pending with this Court (Doc. 37).

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under section 206(b) of the Act, 42 U.S.C. § 406(b), in the amount of \$ 8,000.00, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 18 day of October, 2021.


TERRENCE BOYLE
UNITED STATES DISTRICT JUDGE